

**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF NEW YORK**

In re:

) Chapter 11

CELSIUS NETWORK LLC, *et al.*,

) Case No. 22-10964 (MG)

Debtors. ) Jointly Administered

)

October 8, 2023

Letter to the The Honorable Martin Glenn

Chief Bankruptcy Judge  
United States Bankruptcy Court

Southern District of New York

One Bowling Green New York, NY 10004

Dear Honorable Judge Martin Glenn, it pains me to write you this letter because you have so many more important things to deal with, more specifically the Celsius Confirmation Hearing, but I'm forced to respond based on a lie that Daniel Frishberg is asking this Court to accept.

Daniel Frishberg is on a harassment crusade against me. He filed a Subpoena with this court at Docket 3724 for the production of documents, indicating that he served said Subpoena to me by Twitter, which I thought was a fake Subpoena and was some sick joke that he was playing on me, since the Subpoena was served on Twitter. So I played a joke back on him and changed his Subpoena around and put his name in it and served it back to him on Twitter, which he has characterized as I, quote, "modified it in an attempt to fraudulently induce me into complying with a fake subpoena (See **Exhibit B**, I have added yellow highlights to point out the modifications for convenience). I believe it is illegal to take a court document signed by the court clerk, and modify it. He attempted to serve me with the fake subpoena on September 30, 2023 (a Saturday). The Court Clerk's Office confirmed that they did not issue Mr. Davis a subpoena."

For the record, Subpoenas are not served over Twitter, your Honor, and that's what Daniel Frishberg did, serve me with a Subpoena over Twitter, and then run to the Court and say he served me with a Subpoena and that I didn't comply with his Subpoena, knowing full well that I hired counsel specifically to deal with document requests that I was served by Samuel Hershey of White & Case and that he's not allowed to contact

me in any way, shape or form, much less try and serve me with a Subpoena over Twitter.

Your Honor, in Mr. Frishberg's letter at Docket 3724, Mr. Frishberg states, "I believe that Mr. Davis participated in the so-called 'CEL Short Squeeze' (a successful attempt to manipulate the CEL token's price in the lead up to the Pause)."

Judge, this is an outrageous lie to the highest degree and nothing more than harassment. There was no such thing as a CEL Short Squeeze leading up to the Pause, as Mr. Frishberg states in his letter, and he knows it. For that reason alone, this Subpoena is invalid and should be rejected by this Court, and Mr. Frishberg should be sanctioned by this Court for wasting the Court's time in the middle of a Confirmation hearing. I cannot produce documents for a time frame, specifically before the Pause, when such a so-called CEL Short Squeeze didn't take place before the Pause. How can I be involved in a CEL Short Squeeze before the Pause when no such thing as a CEL Short Squeeze happened before the Pause.

Mr. Frishberg has no right to waste this Court's time with his frivolous letter at Docket 3724 that's riddled with lies and asking the Judge to take time out

of his busy schedule to address such a matter that has no bearing on anything, since I produced all the documents already to Samuel Hershey of White & Case that he “would be requesting” if his request was proper, which I submit to this Court that his request was not proper because in his Subpoena that he got, he requested documents before the Pause, for which zero documents exist.

Let me say it again: Mr. Frishberg wants CEL Short Squeeze documents before the Pause date, for which no such documents ever existed because no such thing as a CEL Short Squeeze ever happened prior to the Pause, and Mr. Frishberg knows this, yet he’s forcing me to write a letter to this Court explaining to the Judge what is already in the record, which letter writing takes time, since I myself have motions to file. But your Honor should expect nothing less from a menace like Mr. Frishberg, because all he’s doing is “practicing law in the Celsius bankruptcy” in your courtroom and thinks this is a joke, as his LinkedIn profile proudly says, and that practice of law now extends to me, a fellow creditor.

The attached screenshot (Exhibit A) is from Mr. Frishberg's LinkedIn page where he says shamelessly that, quote, "When my bio says law practice, it's only because I was forced to pick one, and I'm basically practicing law in the Celsius Networks bankruptcy case."

## EXHIBIT A

A circular profile picture of a young man with short brown hair, wearing a blue t-shirt with a small white logo on the chest. He is smiling and looking directly at the camera. The background of the profile picture shows an indoor setting with green plants and a blurred background.

**Daniel Frishberg**

When my bio says law practice, it's only because I was forced to pick one, and I'm basically practicing law in the Celsius Networks bankruptcy case

Tampa, Florida, United States

Your Honor, as I said before, I thought this was a sick joke because I already produced all documents to White & Case and Kirkland & Ellis based on the Request for Production of Documents that Samuel Hershey of White & Case served me on August 28, 2023, to which I fully complied. When I was served Discovery Requests by Samuel Hershey of White & Case, I hired an attorney and brought him to court with me because I simply didn't trust White & Case; I hired that attorney for the specific purpose of helping me through the discovery process, and I showed up in court with said attorney asking your Honor to clarify what I needed to do to respond to their document request; your Honor clarified what I needed to do, so I produced all the documents to my attorney, who in turn produced all the documents to Samuel Hershey of White & Case in a timely fashion, and that was the end of it.

The request that White & Case made was for documents between the Pause and the Petition date, which request was valid. If Daniel Frishberg wanted those documents, all he had to do is ask White & Case for those documents, but instead he lied to a Court Clerk in order to get a Subpoena, got a Subpoena and sent it to me out of vengeance, with the sole motive to harass me, knowing full well that I hired an attorney to represent me for the Production of Documents issue I had, which that attorney helped me

produce all the documents to White & Case and Kirkland & Ellis in a timely fashion that we agreed to.

Your Honor, once again, what Daniel Frishberg is doing is “practicing law in the Celsius bankruptcy case” in your courtroom, as he states proudly on his LinkedIn page (Exhibit A), and now he has extended that practice of law to a fellow creditor, Otis Davis, simply because that fellow creditor has a claim worth \$1.2 million and he doesn’t believe I deserve to have a claim worth that much money, whereas he only has a \$3,500 claim on the platform, and he’s pissed off. Mr. Frishberg further indicated 10 months ago that he will have the Celsius estate spend millions of dollars on his “practicing law” motions because he will file one frivolous motion after the other just so that White & Case and Kirkland & Ellis have to respond to those motions, thereby billing the Celsius estate millions of dollars, all in an attempt at “practicing law in the Celsius Bankruptcy case.”

Your Honor, even Kirkland & Ellis had to write a letter to this Court about 10 months ago, complaining that Daniel Frishberg is forcing them to respond to his frivolous motions and that it’s costing the Celsius estate hundreds of thousands of dollars to respond to such frivolous motions, now millions of dollars. I don’t have the Docket number offhand for the Kirkland & Ellis

letter written to the Court complaining about what Mr. Frishberg was and is doing, but any one of the Kirkland & Ellis attorneys, specifically Chris Koenig, can testify to this fact, more specifically that what I'm saying is 100% true and correct.

Your Honor, that's who Daniel Frishberg is, a miserable man "practicing law" in your courtroom and on a mission to cost the Celsius estate millions of dollars based on his \$3,500 claim, and then boldly say on Twitter Spaces that I don't deserve to have a claim worth \$1.2 million.

Respectfully Signed,

Otis Davis, *Pro Se*

10/8/2023

*/s/Otis Davis*

